THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Civil Misc. Writ Petition (M/S) No. 1230 of 2006

Mrs. Kusum Lata, D/O Late Shri Dhyan Singh, R/O 322 (New No. 614), Rajender Nagar, Street No.4. Kaulagarh Road, Dehradun, presently residing at "Barfani Sadan", Pramukh Swami Nagar, Chand Kheda, Tehsil and District Gandhi Nagar (Gujarat), through her Attorney Shri Vijan Bir Singh, S/O Shri Raghubir Singh, R/O 322(New No. 614) Rajender Nagar, Street No.4, Kaulagarh Road, Dehradun.

… **Petitioner.**

Versus

1. Additional District Judge/FTC-VI Dehradun.
2. Shri Yashbir Singh, S/O Shri Raghu Bir Singh, R/O 322, Rajendra Nagar, Street No.4, Kaulagarh Road, Dehradun.
3. Smt. Poonam Chauhan, W/O Shri Yashbir Singh, R/O 322, Rajender Nagar, Stgreet No.4, Kaulagarh Road, Dehradun.
4. Shri Rajbir Singh, S/O Shri Raghu Bir Singh, R/O 2011, Borengo Drive, Apt-21, Barstow, CA 92311, USA.
5. Smt. Pushpa Bist, W/O Shri Shamsher Singh, R/O 1-C, Laxmi Road, Dehradun.
6. Smt. Kamlesh Thakur, W/O Shri Bhag Singh, R/O Anne Field Tea Estate, PO-Vikas Nagar, District Dehradun-248198.

… **Respondents.**

Sri K.J.Singh, learned counsel for the petitioner.
Sri R.C.Arya, learned Standing Counsel for the respondent no.1.

Dated September 06, 2006.

Hon'ble B.S. Verma, J.

Heard.

By means of this writ petition the petitioner prays for issue of a writ, order or direction of this Court in the nature of mandamus commanding the respondent no.1 to decide the Revocation Probate Petition No. 128 of 2006, Smt. Kusum Lata Vs. Shri Yashbir Singh & others, expeditiously within a period of two months.

According to the petitioner, the matter is urgent. The petition before the trial court is for revocation of probate, which is

pending since January, 2006. Learned counsel for the petitioner further stated that the Court is vacant.

In the facts and circumstances of the case, the petitioner is directed to move an application before the District Judge, Dehradun, under Section 24 of the C.P.C. for transfer of the case to some other court of competent jurisdiction. If the application is so moved by the petitioner under Section 24 of the C.P.C., the District Judge is directed to consider the prayer of the petitioner for expeditious disposal of Revocation Petition referred to above either by himself or by transfer to any other competent Court.

With the above observation, the writ petition is disposed of finally.

(B.S. Verma, J.)

06-09-2006.
RCP